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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,688	09/28/2001	Robert T. Eitel	6065-82367	5001
24628	7590	12/14/2004	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/966,688

Applicant(s)

EITEL ET AL.

Examiner

Asad M Nawaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 5-8, 11, 14-15, 18-21, 24, 27-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al (US Patent No. 6,606,643) hereinafter referred to as Emens further in view of Applicants Admitted Prior Art, hereinafter referred to as AAPA (citation using PG PUB No. US 2003/0065801 A1).

As to claim 1, Emens teaches a method of obtaining information through the Internet comprising the steps of: retrieving a universal resource locator of a web file

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server containing the audio information needed by the associated agent of the first terminal, said web file server being located on a second terminal of the plurality of remotely located terminals and downloading the information through the Internet from the web file server specified by the universal resource locator to the first terminal.

(Abstract, col 3, lines 29-40; col 4, lines 1-6 and 26-60; col col 8, lines 18-54; col 9 and 10, lines 59-67 and 1-2)

However, Emens does not explicitly indicate the information being audio information or transmitting a sign-on request from a first terminal of the plurality of remotely located terminals to a server of the automatic call distributor through the Internet notifying the server that an associated agent of the first terminal is ready for receiving calls.

AAPA teaches a communications network consisting of an ACD where "in order to sing-in at a beginning of a shift, the agent may access a server of a host of the ACD through the Internet and enter a password. Upon detecting thje password, the ACD may log-in the agent as available for receiving calls." Also, AAPA teaches that "administrative announcements or announcements concerning call handling may need to be periodically provided at the beginning of each shift." (0002, 0005, 0006)

It would have been obvious for in with ordinary skill in the art at the time of the invention to incorporate the teachings of AAPA into those of Emens to make the system more efficient and extensibility. Selecting mirror servers that have the best response time for a given client computer requesting web content under changing web traffic and mirror server load conditions ensures a quick and efficient transfer of desired

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information. Furthermore, the ability to accommodate additional load on the communications network allows for the easy addition of numerous nodes.

Claim 14 is rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 2, AAPA teaches the method of downloading audio information as in claim 1 further comprising defining the downloaded audio information as administrative announcements relating to operation of the automatic call distributor. (0006)

Claims 15 and 28 are rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 5, Emens teaches the method of downloading audio information as in claim 1 further comprising downloading the universal resource locator from the server of the automatic call distributor. (col 8, lines 50-55)

Claim 18 is rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 6, Emens teaches the method of downloading audio information as in claim 1 wherein the step of retrieving the universal resource locator of the web file server further comprises accessing a web address server.(col 8, lines 40-55)

Claim 19 is rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 7, Emens teaches the method of downloading audio information as in claim 6 wherein the step of accessing the web address server further comprises

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transferring an identifier of the first terminal and file identifier to the web address server.

(col 8, lines 18-24)

Claim 20 is rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 8, AAPA teaches the method of downloading audio information as in claim 7 further comprising downloading personal announcements of the associated agent of the first terminal. (0007)

As to claim 11, Emens teaches the method of downloading audio information as in claim 1 further comprising retrieving a universal resource locator address of the web address server from an acknowledgment message received from the automatic call distributor. (col 11, lines 40-46)

Claim 24 is rejected under the same rationale for essentially being the apparatus of the method stated above.

As to claim 27 Emens teaches an apparatus for providing information through the Internet comprising an address server adapted to retrieve a universal resource locator of a web file server containing the information needed by the associated agent of the first terminal, said web file server being located on a second terminal of the plurality of remotely located terminals and a web server adapted to download the information through the Internet from the web file server specified by the universal resource locator to the first terminal. (Abstract, col 3, lines 29-40; col 4, lines 1-6 and 26-60; col 8, lines 18-54; col 9 and 10, lines 59-67 and 1-2)

However, Emens does not explicitly indicate the information being audio information or a communication processor adapted to transmit a sign-on request from a first terminal of the plurality of remotely located terminals to a server of the automatic call distributor through the Internet notifying the server that an associated agent of the first terminal is ready for receiving calls;

AAPA teaches a communications network consisting of an ACD where "in order to sing-in at a beginning of a shift, the agent may access a server of a host of the ACD through the Internet and enter a password. Upon detecting thje password, the ACD may log-in the agent as available for receiving calls." Also, AAPA teaches that "administrative announcements or announcements concerning call handling may need to be periodically provided at the beginning of each shift." (0002, 0005, 0006)

It would have been obvious for in with ordinary skill in the art at the time of the invention to incorporate the teachings of AAPA into those of Emens to make the system more efficient and extensibility. Selecting mirror servers that have the best response time for a given client computer requesting web content under changing web traffic and mirror server load conditions ensures a quick and efficient transfer of desired information. Furthermore, the ability to accommodate additional load on the communications network allows for the easy addition of numerous nodes.

As to claims 30, AAPA teaches the apparatus for downloading audio information in claim 27 wherein the address server further comprises a virtual address server. (0023,0024)

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emens and AAPA as applied to claim 1 above, and further in view of Official notice as evident in Microsoft's Computer Dictionary 5<sup>th</sup> Edition.

As to claim 3, Emens and AAPA teach the method of claim 1 but do not explicitly indicate the downloaded content is in steaming format. Official notice is taken that it would have been obvious for one to download content in streaming format because it provides a steady flow that the requestor can access as the file is being transmitted. Furthermore, the format is known in the art.

Claim 16 is rejected under the same rationale for essentially being the apparatus of the method stated above.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Emens and AAPA as applied to claim 1 above, and further in view of Official notice as evident in Microsoft's Computer Dictionary 5<sup>th</sup> Edition.

As to claim 3, Emens and AAPA teach the method of claim 1 but do not explicitly indicate the downloaded content is in MP3 format. Official notice is taken that it would have been obvious for one to download content in MP3 because it provides a compressed file without serious degradation of quality. Furthermore, the format is known in the art.

Claims 17 and 29 are rejected under the same rationale for essentially being the apparatus of the method stated above.



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6. Claims 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens and AAPA as applied to claim 1 above, and further in view of Official notice.

Emens teaches the use of a plurality of terminals to deliver desired content to the requesting client. Official notice is taken that it is insignificant to which terminal and to what time the request is being made. These limitations in view of Emens provide not further functionalities or advantages.

Claims 22, 23, 25, and 26 are rejected under the same rationale for essentially being the apparatus of the method stated above.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AMN

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER